

UNITED STATES DISTRICT COURT
Southern District of West Virginia

IN RE: ETHICON PELVIC REPAIR * MDL NO. 2327
SYSTEMS PRODUCTS LIABILITY LITIGATION * JUDGE GOODWIN
* MAGISTRATE JUDGE STANLEY

THIS DOCUMENT APPLIES TO ALL CASES

Petition for Co-Lead of the American Medical Systems MDL2325 and for Appointment to the Plaintiffs' Steering Committee

I am submitting this in connection with my application to serve as Co-Lead of the American Medical Systems MDL 2325 and for appointment to the Plaintiffs' Steering Committee for MDLs 2325, 2326, 2327 and 02187. As outlined below, I have been actively involved in litigating and managing Transvaginal Mesh cases in State and Federal Courts for several years and am committed to continuing to work diligently and cooperatively on behalf of women injured by pelvic mesh products. Furthermore, I have reviewed the *Plaintiffs' Proposed Counsel Organizational Structure* plan filed with the court and join in the recommendation to the court that the plan be accepted.

I obtained by B.A. with All College Honors in 1991 from Canisius College, where I majored in History and International Relations and minored in Women's Studies. I then earned my J.D., *cum laude*, in 1994 from the Washington College of Law at the American University. I am a member in good standing of the following courts: New York; Massachusetts; Rhode Island; District of Columbia; United States District Courts for Rhode Island, Massachusetts, District of Columbia, Western District of New York, and the Eastern District of Wisconsin. In addition, I am admitted to practice in before the First Circuit Court of Appeals, the Seventh Circuit Court of Appeals, and the Eleventh Circuit Court of Appeals.

Since 1997, I have been employed at Motley Rice (or its predecessors) and was named as a member in 2006. During my time at Motley Rice, I have litigated numerous large scale toxic

tort, environmental, and medical cases. In the last three years, I have been representing women injured by Pelvic Mesh products in State and Federal courts across the country and currently represent hundreds of women who have been injured by pelvic mesh. I have been named as lead/liaison counsel on behalf of all plaintiffs in the following state court litigations: *In Re AMS Pelvic Mesh Products Liability Litigation*, C.A. No. N11C-07-212 MMJ (De. Sup. Ct., New Castle); *In Re: Specially Assigned Mesh Implant Cases*, Docket No. 11-3750M (Mass. Sup. Ct.); and *In Re: Pelvic Mesh Litigation / Bard*, Case No. 292 / CT (Sup. Ct. NJ).

These cases have been pending in state court against AMS (Delaware); Boston Scientific (Massachusetts) and Bard (New Jersey) for several years. I have worked on every facet of the litigation to date, including negotiating Plaintiff Fact Sheets, Defense Fact Sheets, Long Form and Short Form complaints, protective orders, and more. Furthermore, I have reviewed liability documents, obtained discovery from pelvic mesh manufacturers, met with and retained experts who will provide both non-trial consulting and trial testimony in pelvic mesh cases. In addition, I have been actively involved in litigating various legal motions that have arisen in pelvic mesh litigation, including on issues such as the pleading standard under *Iqbal/Twombly*, discovery disputes, and the extent of protective orders. I anticipate that my work as liaison counsel in each of these State Court litigations and my relationships with defense counsel will contribute significantly to the Plaintiffs' abilities to advance their cases through this MDL.

In addition to my work on pelvic mesh products, I also have significant experience in litigating complex environmental and product liability cases, including as trial counsel. My work has focused on medical injuries caused by products and environmental contamination, including lead poisoning, radiation exposure and groundwater contamination. I am the Leader of the firm's Environmental Practice Group. I am also the recipient of the 2006 Rhode Island Lawyer

of the Year Award (Rhode Island Lawyers Weekly); a finalist for 2006 National Trial Lawyer of the Year (Trial Lawyers for Public Justice Foundation) and have been included in the following publications for the past several years: Best Lawyers in America (Mass Torts); New England Super Lawyers (Environmental Litigation); and Rhode Island Super Lawyers. I frequently lecture on topics concerning complex litigation and am an author of four law review articles.

I am privileged to be a member of a firm that has a nationally based plaintiffs' practice and vast experience litigating complex cases nationally. The firm has also been in the forefront of litigation against many manufacturers of pharmaceuticals and medical devices, and several of my partners serve as co-lead counsel and liaison counsel in numerous litigations, including the Kugel Mesh MDL and the Human Tissue MDL. In addition, Motley Rice members have current PSC positions on the Depuy Orthopaedics, Inc. ASR Hip Implant MDL, and the NuvaRing Products Liability Litigation MDL. As a member of Motley Rice, I have the time, as well as financial and staff resources to work on behalf of all plaintiffs.

I have worked with Amy Eskin for the last two years on AMS litigation and am confident of our ability to jointly represent all plaintiffs as co-leads of the AMS litigation. In addition, I have worked with many members of the proposed Plaintiffs' Steering Committee over the last two years and welcome the opportunity to work closely with all to address the needs of our clients.

Dated: March 26, 2012

/s/ Fidelma L. Fitzpatrick
Fidelma L. Fitzpatrick
MOTLEY RICE LLC
321 South Main Street, Suite 200
Providence, Rhode Island 02903
(401) 457-7700
(401) 457-7708 (facsimile)
ffitzpatrick@motleyrice.com